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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,265	08/05/2003	Scott Charles McCartney	16367-US	7061

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DEERE & COMPANY  
ONE JOHN DEERE PLACE  
MOLINE, IL 61265

EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/634,265

Applicant(s)

MCCARTNEY, SCOTT CHARLES

Examiner

Christopher J. Novosad

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 6-10 is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Claims 4 and 5 have been canceled.

### *Claim Rejections - 35 USC § 102*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Olson '983.

With respect to claim 11, Olson '983 shows a seeding machine 10 comprising:

a center frame section 16,26,28 (Fig. 1);

left 18,30 and right 14 (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 wing frame sections forwardly offset from the center frame section 16,26,28, the right 14 (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 and left 18,30 wing frames sections each including a hollow toolbar 24,26,28,30 movable between an outwardly extended planting configuration (Fig. 1) wherein the left 18,30 and right 14 (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 wing frame sections extend transversely from and parallel to but offset from the center frame section 16,26,28 (Fig. 1), and a transport configuration (Fig. 2, col. 3, lines 10-13) wherein the left 18,20 and right 14 (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 wing frame sections extend perpendicular to the center frame section 16,26,28, wherein in the planting configuration (Fig. 1) the left 18,30 and right 14 (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 wing frame sections define overlapping areas (note Figs. 1 and 4) with the center frame section 16,26,28 (Fig. 1);

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wherein the center frame section 16,26,28 includes a first toolbar (unnumbered) and a second toolbar 26,28, the second toolbar 26,28 offset from the first toolbar (unnumbered) and having a hollow pneumatic portion 26,28, and the left 18,30 and right 14 (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 wing frame sections include left 30 and right 24 wing frame hollow toolbars;

coupling structure 50 located in the overlapping areas between the wing frame sections and the center frame section inwardly of the ends (unnumbered) of the center frame section and pneumatically coupling the hollow pneumatic portion 26,28 of the center frame section 16,26,28 with the hollow toolbars when the wing frame sections are in the planting configuration (Fig. 1) to form a pneumatic manifold; and

planting structure (Figs. 1 and 2) pneumatically coupled with the pneumatic manifold.

As to claim 12, the first (unnumbered) and second 26,28 toolbars define a truss (Fig. 2) such that the second toolbar 26,28 lends support to the center frame section 16,26,28.

Regarding claim 13, the wing frame sections include wing toolbars (unnumbered), and further comprising web members (unnumbered; Fig. 1) connecting the wing toolbars with the hollow toolbars (unnumbered) to define a truss (Fig. 1) such that the hollow toolbars (unnumbered) lend support to the wing frame sections.

With respect to claim 14, the left and right wing frame sections and the center frame section 16,26,28 comprise tubular hollow beam members (unnumbered) of rectangular cross section, and wherein the coupling structure 50 extends perpendicularly from a face (unnumbered) of the center frame section 16,26,28.

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As to claim 15, the coupling structure 50 comprises resilient bell-shaped members 54,46 or 60,62,64, and wherein the bell-shaped members 54,46 or 60,62,64 are compressed between the face (unnumbered) of the center frame section 16,26,28 and rearwardly extending faces (unnumbered) of the left 18,30 and right (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 wing frame sections when the wing frame sections are in the planting position (Fig. 1).

### ***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive since Olson '983 is considered to read on new claims 11-15 as noted above.

### ***Allowable Subject Matter***

Claims 1-3 and 6-10 are allowed.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

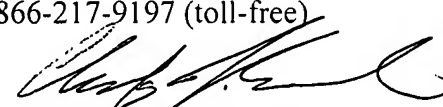
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher J. Novosad  
Primary Examiner  
Art Unit 3671

March 20, 2006